

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

OSSIE LEE SLAUGHTER,

Plaintiff,

v.

BRANDI PETERSON, et al.,

Defendants.

CASE NO. C22-1680 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Brian A. Tsuchida's Report and Recommendation (R&R), Dkt. 20, recommending the Court decline to serve pro se plaintiff Ossie Slaughter's amended complaint, Dkt. 19, dismiss the case with prejudice for failure to state a plausible claim, and denying Slaughter's motions for a temporary restraining order and a preliminary injunction. Dkts. 5, 16.

Slaughter's complaint is a long handwritten list of allegations that 23 separate state actor defendants have violated his constitutional rights, the Americans with Disabilities Act (ADA), the Prison Rape Elimination Act (PREA), and the Washington Constitution, during Slaughter's incarceration at the Monroe Correctional Complex. Dkt. 19. Judge Tsuchida granted Slaughter's motion for leave to proceed *in forma pauperis*, but declined

1 to order the service of his complaint, and permitted Slaughter to file an amended  
2 complaint to cure the deficiencies in his initial complaint and to state a plausible claim.  
3 Dkts. 6, 11, 15, 18.

4 Judge Tsuchida's thorough R&R screens Slaughter's amended complaint as  
5 required by 28 U.S.C. § 1915A(a), and addresses each of the deficiencies in Slaughter's  
6 amended complaint. Dkt. 19. The R&R concludes that Slaughter has failed to state a  
7 plausible claim, and that he cannot do so as matter of law. Dkt. 20.

8 "The district judge must determine de novo any part of the magistrate judge's  
9 disposition that has been properly objected to. The district judge may accept, reject, or  
10 modify the recommended disposition; receive further evidence; or return the matter to the  
11 magistrate judge with instructions." Fed. R. Civ. P. 72(b)(3). A party properly objects  
12 when the party files "specific written objections" to the report and recommendation as  
13 required under Federal Rule of Civil Procedure 72(b)(2).

14 "[I]n providing for a de novo determination . . . Congress intended to permit  
15 whatever reliance a district judge, in the exercise of sound judicial discretion, chose to  
16 place on a magistrate's proposed findings and recommendations." *United States v.*  
17 *Raddatz*, 447 U.S. 667, 676 (1980) (internal quotation marks omitted). Accordingly,  
18 when a district court adopts a magistrate judge's recommendation, the district court is  
19 required to merely "indicate[] that it reviewed the record de novo, found no merit  
20 to . . . [the] objections, and summarily adopt[] the magistrate judge's analysis in [the]  
21 report and recommendation." *United States v. Ramos*, 65 F.4th 427, 433 (9th Cir. 2023).

1 In so doing, district courts are “not obligated to explicitly address [the] objections.” *Id.* at  
2 437.

3 Slaughter filed a 50-page handwritten objection to the R&R. Dkts. 26, 26-1. He  
4 largely reiterates his complaints about his treatment in prison but does not persuade the  
5 Court that the R&R’s substantive analysis of his claims is incorrect. This includes the  
6 R&R’s determinations that there is no vicarious liability under 42 U.S.C. § 1983, that  
7 Slaughter has not plausibly alleged that any defendant violated his First or Eighth  
8 Amendment rights, and that Slaughter’s “loss of good-time credits” are *Heck* barred. Dkt.  
9 20 at 19. Slaughter’s objections similarly fail to demonstrate that his Due Process or  
10 Equal Protection rights were implicated. His objections do not persuade the Court that the  
11 R&R wrongly concluded that his ADA claim against individual defendants is not viable.  
12 He has not established that he can state a plausible claim under the PREA. Slaughter has  
13 not persuaded the Court that the R&R was wrong in concluding that the defendants in  
14 their official capacities are immune from suit under the Eleventh Amendment. Dkt. 20 at  
15 6.

16 In short, the Court has reviewed the R&R and Slaughter’s objections to it. It  
17 concludes that Slaughter has failed to state a plausible claim and that he cannot do so  
18 even if he amends his complaint again. Slaughter’s objections are therefore

19 **OVERRULED.**

20 The R&R is **ADOPTED**. Slaughter’s amended complaint, Dkt. 19, is  
21 **DISMISSED with prejudice and without leave to amend**. Slaughter’s *in forma*  
22 *pauperis* status shall **NOT** continue in the event of an appeal.

1 The Clerk shall enter a **JUDGMENT** and close the case.

2 **IT IS SO ORDERED.**

3 Dated this 12th day of September, 2023.

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7 BENJAMIN H. SETTLE  
United States District Judge